

APPEAL NO. 010388

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). Following a contested case hearing held on January 24, 2001, the hearing officer resolved the sole disputed issue by determining that the respondent's (claimant) compensable injury of _____, extends to and includes the lumbar region. The appellant (carrier) requests our review, asserting that this determination is against the great weight of the evidence considering that low back complaints were not mentioned in the medical records until June 26, 2000. The file does not contain a response from the claimant.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury of _____, extends to and includes his lumbar region. The claimant testified that on _____, his right foot got caught and was crushed between two 2,800-pound pipes on a flatbed trailer which was being loaded; that he twisted and turned his body to avoid falling off the trailer; and that about three weeks later, when the cast was taken off his right foot and he began putting more weight on that foot, he began to experience severe low back pain, which radiated down his right leg. The carrier maintains that the absence of mention of low back symptoms in the medical records before June 26, 2000, indicates a delay in the onset of back pain such as to negate its relationship to the _____ accident.

The hearing officer, who is the sole judge of the weight and credibility of the evidence (Section 410.165(a)), states that she found the claimant's testimony credible notwithstanding the date that low back complaints are mentioned in the medical records. It is well settled that a claimant's testimony alone, as is present in this case, can constitute sufficient evidence of a compensable injury. The challenged determination is sufficiently supported by the evidence. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The decision and order of the hearing officer are affirmed.

Philip F. O'Neill
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Susan M. Kelley
Appeals Judge